

permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security,<sup>726</sup> or for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort.

**Sec. 502A.**<sup>727</sup> \* \* \* [Repealed—1996]

**Sec. 502B.**<sup>728</sup> **Human Rights.**—(a)(1)<sup>729</sup> The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

<sup>726</sup> Sec. 201(c)(1) of the FA Act of 1965 (Public Law 89-171) struck out a colon and added the remainder of this section from this point.

<sup>727</sup> Formerly at 22 U.S.C. 2302. Sec. 104(b)(2)(A) of Public Law 104-164 (110 Stat. 1426) repealed sec. 502A. Originally added by sec. 12(a) of the FA Act of 1973, the section had read as follows:

"SEC. 502A. Excess Defense Articles.—Excess defense articles shall be provided whenever possible rather than providing such articles by the procurement of new items."

<sup>728</sup> 22 U.S.C. 2304. Sec. 502B, which was added by sec. 46 of the FA Act of 1974 (Public Law 93-559), was amended by sec. 301(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 748), and by the Export Administration Amendments Act of 1985 (Public Law 99-64; 99 Stat. 156.) It formerly read as follows:

"SEC. 502B. Human Rights.—It is the sense of Congress that except in extraordinary circumstances, the President shall substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right to life, liberty, and the security of the person."

"(b) Whenever proposing or furnishing security assistance to any government falling within the provisions of paragraph (a), the President shall advise the Congress of the extraordinary circumstances necessitating the assistance."

"(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation by such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross and anybody acting under the authority of the United Nations or of the Organization of American States."

"(d) For purposes of this section, 'security assistance' means assistance under chapter 2 (military assistance) or chapter 4 (security supporting assistance) of this part, assistance under part V (Indochina Postwar Reconstruction) or part VI (Middle East Peace) of this Act, sales under the Foreign Military Sales Act, or assistance for public safety under this or any other Act."

<sup>729</sup> Sec. 4(a) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 731) amended and restated para. (1).

(2)<sup>730</sup> Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979<sup>731</sup> for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979), that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses. Assistance may not be provided under chapter 5 of this part to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.<sup>732</sup>

(3) In furtherance of paragraphs (1) and (2),<sup>733</sup> the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(4)<sup>734</sup> In determining whether the government of a country en-

posed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor<sup>735</sup> and with the assistance of the Ambassador at Large for International Religious Freedom,<sup>736</sup> with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987).<sup>737</sup> Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization.<sup>738</sup> Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998).<sup>739</sup> Wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, including the descriptions of such acts required under section 116(d)(8).<sup>740</sup> Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.<sup>741</sup> Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and re-

<sup>735</sup> Sec. 162(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 405), struck out "Human Rights and Humanitarian Affairs" and inserted in lieu thereof "Democracy, Human Rights, and Labor". Previously, sec. 109(a)(3) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-106; 91 Stat. 846) changed the title designation from "Coordinator for Human Rights and Humanitarian Affairs" to "Assistant Secretary of State for Human Rights and Humanitarian Affairs".

<sup>736</sup> Sec. 102(d)(2)(A) of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2795) inserted "and with the assistance of the Ambassador at Large for International Religious Freedom" after "Labor".

<sup>737</sup> Sec. 806(b) of the Admiral James W. Nance and Mag Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R. 3427, enacted by reference in sec. 1000(a)(7) of Public Law 106-113; 113 Stat. 1536), added the sentence beginning "Wherever applicable" referring to war crimes and crimes of genocide.

<sup>738</sup> Sec. 127 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1331) added the sentence beginning "Wherever applicable" referring to coercive population control.

<sup>739</sup> Sec. 102(d)(2)(B) of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2795) added the sentence that begins "Such report shall also include".

<sup>740</sup> Sec. 6(a)(2) of the Global Anti-Semitism Review Act of 2004 (Public Law 108-332; 118 Stat.



settlement.<sup>742</sup> Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State.<sup>743</sup> Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year.<sup>744</sup> In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(c)(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs<sup>745</sup> of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor,<sup>746</sup> with respect to the country designated in such request, setting forth—

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

<sup>742</sup> Sec. 252 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R. 3427, enacted by reference in sec. 100(a)(7) of Public

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term "certification", as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(d) For the purposes of this section—

(1) the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons,<sup>746</sup> and other flagrant denial of the right to life, liberty, or the security of person; and

(2) the term "security assistance" means—

<sup>746</sup> Sec. 701(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3156) inserted "causing the disappearance of persons by the abduction and clandestine detention of those persons,".

(A) assistance under chapter 2 (military assistance) or chapter 4 (economic support fund)<sup>747</sup> or chapter 5 (military education and training) or chapter 6 (peacekeeping operations) or chapter 8 (antiterrorism assistance) of this part;<sup>748</sup>

(B) sales of defense articles or services, extensions of credits (including participations in credits,<sup>749</sup> and guaranties of loans under the Arms Export Control Act; or

(C) any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act.

(e)<sup>750</sup> Notwithstanding any other provision of law, funds authorized to be appropriated under part I of this Act may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.

(f)<sup>751</sup> In allocating the funds authorized to be appropriated by this Act and the Arms Export Control Act, the President shall take into account significant improvements in the human rights records of recipient countries, except that such allocations may not contravene any other provision of law.

(g)<sup>752</sup> Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.

(h)<sup>753</sup> (1) The report required by subsection (b) shall include the following:

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking

<sup>747</sup> Sec. 10(b)(1) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 735) struck out "security supporting assistance" and inserted in lieu thereof "economic support fund".

<sup>748</sup> Sec. 12(b) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 737) added "or chapter 6 (peacekeeping operations)" and struck out "or part VI (assistance to the Middle East) of this Act", which had previously been the final phrase of this paragraph.

The International Security and Development Assistance Authorizations Act of 1983 (sec. 101(b)(2) of the Further Continuing Appropriations Act, 1984; Public Law 98-151) added the words "or chapter 8 (antiterrorism assistance)". Pursuant to Public Law 98-151, this amendment was enacted as stated in title II of H.R. 2992, as reported by the House Committee on Foreign Affairs on May 17, 1983.

<sup>749</sup> As enrolled, without a close parenthesis.

<sup>750</sup> Sec. 511 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 380) added subsec. (e).

<sup>751</sup> Sec. 4 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 702) added subsec. (f).

<sup>752</sup> Sec. 1201 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 276) added subsec. (g).

<sup>753</sup> Sec. 104(b) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-286; 114 Stat. 1472) added subsec. (h).



(ii) Which government authorities in that country are involved in activities to combat such trafficking.

(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.